

REMARKS

In the Office Action mailed November 18, 2002 ("the Office Action"), the U.S. Patent and Trademark Office ("the Patent Office") maintained that claims 1-5 and 11-19 were pending in the application and that claims 1-5 and 11-19 were rejected. The Patent Office further alleged that Certified Copies of the priority documents had not been received. A certified copy of the priority document has been requested and will be provided once it is available.

In the Office Action, the Patent Office acknowledged that the requirement for a substitute specification will be held in abeyance pending allowance of the claims. Also, in the Office Action, claims 17-19 were rejected under 35 U.S.C. § 112, second paragraph. Furthermore, in the Office Action, claims 1-5 and 11-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Neil (U.S. Patent No. 5,960,967) in view of Kohout (U.S. Patent No. 1,132,190). The applicant traverses these rejections for the reasons that follow and for the reasons of record as well as in light of the amendments herein.

Rejection of claims 17-19 under 35 U.S.C. § 112, second paragraph:

In the Office Action, claims 17-19 were rejected under 35 U.S.C. § 112, second paragraph. The Patent Office alleged that the rejected claims depended from cancelled claims 6-10. Claims 17-19 are amended herein. In view of these amendments, the applicant respectfully requests that this rejection be reconsidered and withdrawn.

Rejection of claims 1-5 and 11-19 under 35 U.S.C. § 103(a):

In the Office Action, claims 1-5 and 11-19 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Neil (U.S. Patent No. 5,960,967) in view of Kohout (U.S. Patent No. 1,132,190). The Patent Office alleged that Neil shows a device comprising a rail-like member having a slot and a hook with an anchor member. The Patent Office further alleged that Kohout shows a device having a telescopic rail-like member for adjusting the length of the member.

The applicant respectfully asserts that the Patent Office has misconstrued the extent of the invention disclosed and claimed by Neil. As the Patent Office correctly points out in the Office Action, Neil states that “the hook elements may be non-circular and arranged to be non-rotatably held.” However, the applicant respectfully asserts that the Patent Office is incorrect when it states: “Emphasis is made to the clause **may be**, which indirectly teaches that a circular connection would permit rotation, and also leave such modification open.” [emphasis in the original] The applicant respectfully asserts that the Patent Office is reading entirely too much into “the clause **may be**.” The invention disclosed by Neil contains “...hook elements...each having an anchor portion...which is rectangular in plan view, being elongated transversely to the longitudinal axis of the [track] member....” (Column 3, lines 2-4) The invention in claim 1 of Neil is limited such that “...said anchor parts of said hook elements are non-circular and arranged to be non-rotatably held....” (Column 5, lines 29-30). Not a single embodiment of Neil’s invention, either depicted in the figures or claimed, contemplates a circular and rotatable anchor element. Neil’s invention is “[a]n arrangement for storing a variety of articles, including articles held by cards, such as those of blister packages, having apertures.” (Abstract, lines 1-2) Neil’s invention would be useless if the hooks, which held the blister packages, were allowed to rotate, thereby showing the back of the cards and not the contents of the blister packages. Thus, “the clause **may be**” to which the Patent Office refers, has to be construed to mean “should be” or “must be” and the Neil patent actually teaches away from the presently claimed invention. Nothing in the Kohout reference, nor in any of the other art cited by the Patent Office, compensates for the obvious shortcomings of the Neil reference. None of the cited references alone or in any combination, teaches the invention as claimed by the applicant in the present patent application.


In view of the foregoing and in view of the arguments of record in the present patent application as well as in view of the amendments to the claims, the applicant respectfully requests that the rejection of claims 1-5 and claims 11-19 under 35 U.S.C § 103(a) be reconsidered and withdrawn.

CONCLUSION

The applicant respectfully requests reconsideration of the present application and contends that the pending claims are allowable. The Patent Office is encouraged to contact the undersigned directly, if it is believed that such would expedite reconsideration of the patent application. Prompt issuance of a Notice of Allowance and passage of the patent application to issue are respectfully requested.

Date: May 19, 2003

Sincerely,

A handwritten signature in black ink, appearing to read "Mark L. Chael". The signature is fluid and cursive, with the first name "Mark" and last name "Chael" being the most prominent parts.

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